

REQUEST FOR PROPOSALS (RFP) 20047

ZONING CODE UPDATE SERVICES

**CITY OF LIVINGSTON
220 E. Park Street
Livingston, MT 59047
(406) 823-6000**

Key RFP Dates

Issue Date:	March 7, 2024
Question Submittal Date:	March 22, 2024
Proposal Submittal Date:	April 19, 2024

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SECTION I:INSTRUCTIONS TO PROPOSERS

SECTION I. INSTRUCTIONS TO PROPOSERS**A. PRE-PROPOSAL CONFERENCE**

A pre-proposal conference will not be held for this procurement. Proposers may submit questions or clarifications as noted in Section E., below.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Proposer represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the City's objectives.

C. ADDENDA

The City reserves the right to revise the RFP documents. Any City changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The City will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Proposers shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. CITY CONTACT

All communication and/or contacts with City staff regarding this RFP are to be directed to the following:

Jennifer Severson
220 E. Park Street
Livingston, MT 59047
Phone: (406) 222-4903
Email: JSeverson@LivingstonMontana.org

**Email Preferred*

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no proposer, subcontractor, lobbyist or agent hired by the proposer shall have any contact or communications regarding this RFP with any City's staff; member of the evaluation committee for this RFP; or any contractor or consultant involved with the procurement, other than the point of contact named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any proposer, subcontractor, lobbyist or agent hired by the proposer that engages in such prohibited communications may result in disqualification of the proposer at the sole discretion of the City.

E. CLARIFICATIONS

1. Examination of Documents

Should a Proposer require clarifications of this RFP, the Proposer shall notify the City in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the City will issue a written addendum clarifying the matter posted on the City website.

2. Submitting Requests

- a. All questions must be put in writing and must be received by the City no later than 2:00 p.m., prevailing Mountain Time, on March 22, 2024.
- b. Requests for clarifications, questions and comments must be clearly labeled, "RFP 20047 Questions". The City is not responsible for failure to respond to a request that has not been labeled as such.
- c. Any of the following methods of delivering written questions are acceptable as long as the questions are received no later than the date and time specified above:
 - (1) U.S. Mail: CITY OF LIVINGSTON, 220 E. Park Street, Livingston MT 59047.
 - (2) Personal Delivery: City of Livingston, Lobby Receptionist, Livingston MT 59047.
 - (3) Email: JSeverson@LivingstonMontana.org

3. City Responses

Responses from the City will be posted on the website no later than March 27 at 5:00pm. Inquiries received after 2:00 p.m. on March 22, 2024, will not be responded to.

F. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be received in the City's office at or before 2:00 p.m. on April 19, 2024.

Proposals received after the above-specified date and time will be returned to Proposers unopened.

2. Address

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**CITY OF LIVINGSTON
220 E. Park Street
Livingston, MT 59047
Attention: Jennifer Severson**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**CITY OF LIVINGSTON
220 E. Park Street
Livingston, MT 59047
Attention: Jennifer Severson**

Or proposals delivered electronically shall be addressed as follows:

JSeverson@LivingstonMontana.org

3. Identification of Proposals

If delivering a hard copy, proposer shall submit an **original and 3 copies** of its proposal in a sealed package, addressed as shown above in F.2. The outer envelope must show the Proposer's name and address and clearly marked with RFP number (20047). In addition to the above, Proposers shall also include one (1) electronic copy of their entire RFP submittal package in "PDF" format, on a flash drive.

If electronic submission method is utilized, one PDF copy is appropriate.

4. Acceptance of Proposals

- a. The City reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The City reserves the right to withdraw or cancel this RFP at any time without prior notice and the City makes no representations that any contract will be awarded to any Proposer responding to this RFP.
- c. The City reserves the right to issue a new RFP for the project.
- d. The City reserves the right to postpone proposal openings for its own convenience.

- e. Each proposal will be received with the understanding that acceptance by the City of the proposal to provide the services described herein shall constitute a contract between the Proposer and City which shall bind the Proposer on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.
- f. The City reserves the right to investigate the qualifications of any Proposer, and/or require additional evidence of qualifications to perform the work.
- g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The City shall not, in any event, be liable for any pre-contractual expenses incurred by Proposer in the preparation of its proposal. Proposer shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Proposer in:

- 1. Preparing its proposal in response to this RFP;
- 2. Submitting that proposal to the City;
- 3. Negotiating with the City any matter related to this proposal; or
- 4. Any other expenses incurred by Proposer prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The City intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

The City is a tax-exempt political subdivision of the State of Montana.

J. PROTEST PROCEDURES

The City has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the City point of contact responsible for this procurement. Any protests filed by a Proposer in connection with this RFP must be submitted in accordance with the City's written procedures.

K. CONTRACT TYPE

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed prices for individual tasks specified in the Scope of Work, included in this RFP as Exhibit A.

L. CONFLICT OF INTEREST

All Proposers responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, a Proposer is unable, or potentially unable to render impartial assistance or advice to the City; a Proposer's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or a Proposer has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Proposer's proposal.

All Proposers must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby City staff or the City Commission on their behalf.

Proposers hired to perform services for the City are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the City, either as a prime or subcontractor.

M. CODE OF CONDUCT

All Proposers agree to comply with the City's Code of Conduct which is hereby referenced and by this reference is incorporated herein.

SECTION II: PROPOSAL CONTENT

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A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed twenty-five (25) pages in length, excluding appendices.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Jennifer Severson and must, at a minimum, contain the following:

- a. Identification of Proposer that will have contractual responsibility with the City. Identification shall include legal name of company, corporate address, telephone number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, whether the firm is a Disadvantaged Business Enterprise (DBE), contact person's name and address, phone number and fax number, and email address; relationship between Proposer and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than ninety (90) days from the date of submittal.
- e. Signature of a person authorized to bind Proposer to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

- a. Qualifications, Related Experience and References of Proposer

This section of the proposal should establish the ability of Proposer to satisfactorily perform the required work by reasons of: experience

in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; work load; record of meeting schedules on similar projects; and supportive client references.

Proposer to:

- (1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.
- (2) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project.
- (3) Identify subcontractors by company name, address, contact person, telephone number, email, and project function. Describe Proposer's experience working with each subcontractor.
- (4) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Proposer may also supply references from other work not cited in this section as related experience.

b. Proposed Staffing and Project Organization

This section of the proposal should establish the method, which will be used by the Proposer to manage the project as well as identify key personnel assigned.

Proposer to:

- (1) Identify key personnel proposed to perform the work in the specified tasks and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.
- (2) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager and other key personnel that

includes education, experience, and applicable professional credentials.

- (3) Indicate adequacy of labor resources utilizing a table projecting the labor-hour allocation to the project by individual task.
- (4) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff.
- (5) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the City.

c. Work Plan

Proposer should provide a narrative, which addresses the Scope of Work, and shows Proposer's understanding of City's needs and requirements.

Proposer to:

- (1) Describe the approach to completing the tasks specified in the Scope of Work. The approach to the work plan shall be of such detail to demonstrate the Proposer's ability to accomplish the project objectives and overall schedule.
- (2) Furnish a project schedule for completing the tasks in terms of elapsed weeks.
- (3) Identify methods that Proposer will use to ensure quality control as well as budget and schedule control for the project.
- (4) Identify methods that Proposer will use to solicit public input and engage public participation throughout the project. The Selected Proposer will be responsible for organizing and either leading or co-leading public meetings and input opportunities with City staff.
- (5) Identify any special issues or problems that are likely to be encountered in this project and how the Proposer would propose to address them.
- (6) Proposer is encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

d. **Exceptions/Deviations**

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Proposers are deemed to have accepted the City's technical requirements set forth in the Scope of Work (Exhibit A).

4. Cost and Price Proposal

As part of the cost and price proposal, the Proposer shall submit proposed pricing to provide the services for each of the five (5) work tasks described in the Scope of Work in Exhibit A.

The Proposer shall complete the "Price Summary Sheet" form included with this RFP (Exhibit B), and furnish any narrative required to explain the prices quoted. The Proposer must also separately attach a not-to-exceed cost breakdown for the project, including estimated hours by role for each task. Include travel and material expenses as separate line items, for each item or activity in your proposal.

5. Appendices

Information considered by Proposer to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Proposers are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The City will evaluate the offers received based on the following criteria:

1. **Qualifications of the Firm** **30 %**

 Technical experience in performing work of a closely similar nature; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references.

2. **Staffing and Project Organization** **30 %**

 Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel.

3. **Work Plan** **30 %**

 Depth of Proposer's understanding of City's requirements and overall quality of work plan; logic, clarity and specificity of work plan; appropriateness of resource allocation among the tasks; reasonableness of proposed schedule; utility of suggested technical or procedural innovations.

4. **Approach to Public Engagement** **10 %**

 Emphasis will be placed on a creative approach to solicit public input and engage public participation during the code update process.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of City staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top-ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

During the evaluation period, the City may interview some or all of the proposing firms. The interview may consist of a short presentation by the Proposer after which the evaluation committee will ask questions related to the firm's proposal and qualifications.

At the conclusion of the proposal evaluations, Proposers remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to City's management the Proposer whose proposal is most advantageous to the City.

C. AWARD

The City may negotiate contract terms with the selected Proposer prior to award, and expressly reserves the right to negotiate with several Proposers simultaneously and, thereafter, to award a contract to the Proposer offering the most favorable terms to the City.

Negotiations may or may not be conducted with Proposers; therefore, the proposal submitted should contain Proposer's most favorable terms and conditions, since the selection and award may be made without discussion with any Proposer.

The selected Proposer will be required to submit to the City's Finance department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Proposers who submit a proposal in response to this RFP shall be notified via email of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Proposers who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Proposers, who wish to be debriefed, must request the debriefing in writing or electronic mail and the City must receive it within three (3) business days of notification of the contract award.

EXHIBIT A: SCOPE OF WORK

INTRODUCTION AND BACKGROUND

In 2021, Livingston adopted a Growth Policy to serve as a comprehensive guide for future land use patterns and development decisions in the City. The Growth Policy was adopted after extensive public outreach that garnered over 1,500 public comments over the course of 36 months. The overwhelming support received from the community during the Growth Policy planning process, and since its adoption, attests to the importance of its vision for future growth and development in the City. To provide the regulatory capacity to implement the Growth Policy, the City's zoning ordinance requires extensive updates to effectively support the goals, objectives, and strategies identified in the Growth Policy.

The primary impetus for updating the zoning ordinance is to ensure the City's regulatory code effectively supports the goals and objectives identified in the Growth Policy and fully complies with current state, county, and local laws. The anticipated result of these proposed code updates is a zoning ordinance that not only aligns with the future land use needs of our community, as reflected in the Growth Policy, but also provides the foundation for its successful implementation.

In the fall of 2023, the Montana Department of Commerce provided aid to the City of Livingston through its Community Technical Assistance Program (CTAP) to help the City begin the process of prioritizing elements of the needed zoning code update; conducting background research and review of existing regulatory code and long-range planning documents; and preparing a Project Management and Engagement Plan, all of which were outlined in a Growth Policy and Zoning Code Assessment and Recommendations Report (the 2023 CTAP Report). This report is included in this RFP as Appendix A, and the Selected Proposer will be expected to build on the findings and recommendations identified in the report.

Livingston, Montana has a current estimated population of 8,790 and is expected to grow to over 10,000 by 2030. This anticipated growth coupled with unmet community housing underscores the City's urgency to update its zoning ordinance to not only facilitate compliance with the Growth Policy, but also address the burgeoning demand for housing to accommodate the increasing population.

SCOPE OF WORK

Update the City of Livingston Zoning Ordinance (Chapter 30) and related code sections to resolve conflicts within the code and to ensure the code supports the City's 2021 Growth Policy. The work activity for this project will consist of the following tasks:

1. Review the 2023 CTAP Report for recommended "Next Steps" to update the City's Zoning Ordinance. Review existing code for internal conflicts in regulatory language, for conformance with the 2021 adopted Growth Policy, and for compliance with 2023 Montana Legislative updates related to zoning and land use. Please Note: it is expected that minimal time and expense will be necessary to complete this step as the CTAP Report should be used to guide additional

review of the code by the Selected Proposer. Prepare a Final Code Assessment and Update Recommendations Report for City Staff review that includes additional findings and/or recommendations for code updates, and prioritizes all recommended code updates (including those in the CTAP report).

Key Deliverable: Final Code Assessment and Update Recommendations Report

2. Work with City Staff to prepare a Project Plan that outlines the recommended work to be done, community engagement needs and strategies, and a refined timeline if necessary. Community engagement may consist of small focus groups, broader public outreach, or a combined approach. The Selected Proposer will be responsible for employing the public engagement strategy most suitable to implement the Project Plan,

Key Deliverable: Project Plan

3. Prepare an Outline of Recommended Code Updates, based on current best practices and that addresses the top priorities and needs for code revisions. The Outline must include the purpose for each code revision and identify key anticipated impacts for each revision as it relates to future land use and development in the City. Explain how the code revisions will better serve the community to achieve its desired vision for future growth and development as identified in the Growth Policy. After review by City Staff, this outline will be presented to the Project Steering Committee.

Key Deliverables: Outline of Recommended Code Updates; Presentation to Project Steering Committee

4. Based on feedback from the Steering Committee, draft recommended code updates including related updated maps. Work with City Staff to revise as needed.

Key Deliverable: Draft Revised Code

5. Present Draft Revised Code to the Consolidated Land Use Board for recommendation to the City Commission. Incorporate revisions based on Consolidated Land Use Board comments and prepare final draft of the revised code. Present the final draft of the revised code to the City Commission for adoption.

Key Deliverables: Presentation of Revised Code to the Consolidated Land Use Board; Presentation of Final Revised Code to the City Commission; Adoption of Revised Code.

PROJECT APPROACH

The Selected Proposer is expected to have professional and technical expertise in development regulations and land use policy and law in the State of Montana. The City encourages proposals that demonstrate a thorough understanding of the components outlined and encourages additional innovations and forward-thinking ideas that may be beneficial to incorporate during the work plan finalization task.

Reference documents that may better inform Proposers during development of a response to this RFP are listed below with links to where they are found online:

The City of Livingston 2021 Growth Policy:

https://www.livingstonmontana.org/sites/default/files/fileattachments/building_amp_planning/page/2226/livingstongrowthpolicy_final_2021_06.pdf

The City of Livingston Zoning Ordinance:

https://library.municode.com/mt/livingston/codes/code_of_ordinances?nodeId=CH30ZO

The City of Livingston Annexation Policy:

https://www.livingstonmontana.org/sites/default/files/fileattachments/building_amp_planning/page/2245/annexationpolicy.pdf

The City is in the final months of a Downtown Master Plan process. It is anticipated this plan will be adopted by the end of June 2024. The adopted Downtown Master Plan will be provided to the Selected Proposer to evaluate for code-related updates that may be recommended, or necessary, for implementation of the Downtown Master Plan.

The Selected Proposer will meet with City Staff to finalize the work plan together to ensure effective collaboration and efficient review and feedback on project deliverables. All deliverables will be reviewed by City Staff and a Steering Committee. Review could also include presentation of key deliverables to outside stakeholders. The Selected Proposer will be expected to take the lead on external engagement efforts with support by City Staff as needed.

DELIVERABLES

Timeline: It is expected that this work will be completed in approximately eleven (11) months from date of contract.

Tentative Schedule:

- | | |
|-------------------------------------|------------------------|
| • RFP Issued: | March 7, 2024 |
| • Deadline for Written Questions: | March 22, 2024 |
| • Addendum Posted: | March 25, 2024 |
| • Submittal Deadline: | April 19, 2024 |
| • Interviews: | Week of April 22, 2024 |
| • Final selection: | Week of April 29, 2024 |
| • Contract Executed: | May 7, 2024 |
| • Kick-Off Meeting (May be Virtual) | Week of May 13, 2024 |
| • Final Updated Code Adopted | April 2025 |

EXHIBIT B: COST AND PRICE FORMS

PRICE SUMMARY SHEET

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Enter below the proposed price for each of the work tasks described in the Scope of Work, Exhibit A. Prices shall include direct costs, indirect costs, and profits. The City's intention is to award a firm-fixed price contract.

UPDATE TO MATCH SOW:

TASK 1: _____
TASK 2: _____
TASK 3: _____
TASK 4: _____
TASK 5: _____

TOTAL NOT TO EXCEED AMOUNT: _____

- 1. I acknowledge receipt of RFP 20047 and Addenda No.(s) _____
- 2. This offer shall remain firm for _____ days from the date of proposal (Minimum 90)

COMPANY NAME _____

ADDRESS _____

TELEPHONE _____

EMAIL ADDRESS _____

SIGNATURE OF PERSON
AUTHORIZED TO BIND PROPOSER _____

NAME AND TITLE OF PERSON
AUTHORIZED TO BIND PROPOSER _____

DATE SIGNED _____

APPENDIX A: 2023 CTAP REPORT



MEMORANDUM

Date: November 8, 2023

To: City of Livingston Planning Department

From: Cody Marxer and Jerry Grebenc, Great West Planning Staff

Subject: **Growth Policy and Zoning Code Assessment and Recommendations**

The following is an assessment of the City Growth Policy and Zoning Code and recommendations on how the City might amend both documents and other City planning documents to achieve the following:

- Ensure that the Growth Policy meets statutory requirements.
- Ensure that the Zoning Code is designed to effectively implement the goals and strategies in the Growth Policy.
- Minimize inconsistencies and vagueness in the Zoning Code.
- Improve and clarify the administrative processes in the Zoning Code.
- Identify other planning and mapping needs to support the Growth Policy and Zoning Code.

Our recommendations are divided into four sections including a summary of the “Next Steps” the City should consider in relation to the Growth Policy, Zoning Code, and other City planning documents. Some of the recommendations we provide are self-evident and already identified in the Growth Policy, but nonetheless have been included to try to ensure this memo is as comprehensive as possible.

Recommended Next Steps for the City

1. Update the administrative/procedural provisions in the City Zoning Code.
2. Develop environmental/conservation inventories and maps mentioned in the Growth Policy.
3. Develop a Transportation Plan to address the extension or upgrade of City streets and coordinate with the existing Trails Plan. This should be dovetailed with the capabilities of the City to extend water and sewer service for annexation, infill, or green fields development.
4. Review the Future Land Use Map based upon 2 above to ensure it accurately reflects the “reality on the ground” and the intent of the Growth Policy goals and objectives.
5. Use the information in 1-4 to complete a full update of the “regulatory” and land use portions of the City Zoning Code and Zoning Map.

Growth Policy

- Objective 2.1.1: Establish community gateways to indicate entrances into Livingston and celebrate its character.
 - Strategy 2.1.1.1: Identify key roadway and non-motorized entry points – or Gateways – into Livingston.
 - Develop a formal transportation plan that identifies these roadways and non-motorized entry points. This could also guide:
 - An update of the City Future Land Use Map,
 - Where potential annexations should occur,
 - Review of subdivisions and other developments.
 - Strategy 2.1.1.2: Review, update, and enforce the policies, procedures, and building design guidelines in Livingston’s gateways.
 - Incorporate these policies, procedures and guidelines into the Zoning Code and City Building Code.
 - Strategy 2.1.1.3: Explore adopting design overlay zones in gateways.
 - Incorporate these into the Growth Policy Future Land Use Map, Zoning Code and Zoning Map.
- Objective 2.1.2: Develop and enforce policies and procedures to preserve Livingston’s historic quality.
 - Strategy 2.1.2.3: Update codes to promote traditional neighborhood designs that are compatible with existing neighborhoods.
 - Specific standards and graphics should be included in the Zoning Code and City Subdivision Regulations to ensure such designs are fully understood by all concerned and are achieved.
 - Strategy 2.1.2.4: Update codes to encourage following Livingston’s historic block and alley development pattern.
 - Specific standards and graphics should be included in the Zoning Code and City Subdivision Regulations to ensure such design are fully understood by all concerned and is achieved
 - Strategy 2.1.2.5: Update sign and landscaping codes for commercial areas.
 - Provide much clearer standards for not only commercial development but also for all types of development. Also provide a clear connection between uses in each zoning district and the requirements for signage and landscaping.
- Objective 2.2.3: Support traditional neighborhood design and active transportation.
 - Strategy 2.2.3.1: Promote gridded street networks.
 - Specific standards and graphics should be included in the Zoning Code and City Subdivision Regulations to ensure such design are fully understood by all concerned and is achieved
- Page 22: Growth Policy

- Mentions the Night Sky Protection Act.
 - Provide connection to the Zoning Code and Building Code.
- Objective 3.1.1: Encourage higher densities and a wider range of land uses that are compatible with adopted plans and where existing or planned short-range community facilities and infrastructure can support them.
 - Strategy 3.1.1.1: Encourage additional residential density within the downtown area of the City.
 - Provide plain language and incentives in the Zoning Code to achieve this.
 - Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.
 - Provide plain language and incentives in the Zoning Code to achieve this.
 - Amend the Future Land Use Map and the Zoning Map to facilitate this.
 - Strategy 3.1.1.5: Evaluate and amend the zoning and subdivision ordinances to prohibit the development of large lot subdivisions inconsistent with Livingston's historic development pattern within the City or Extra-Territorial Jurisdiction (ETJ).
 - Density should be guided by the Zoning Code and Zoning Map while Subdivision Review should relate more to design and mitigation of impacts.
 - Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.
 - Codify this clearly in the Zoning Code.
 - Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.
 - Specific standards and graphics should be included in the Zoning Code and City Subdivision Regulations to ensure such design are fully understood by all concerned and is achieved
- Objective 3.3.1: Identify areas that provide or connect habitat for significant plant or wildlife species or make a significant contribution to environmental quality, as well as areas, sites, structures, or objects with historical, architectural, or cultural significance.
 - Strategy 3.3.1.2: Create a map of environmentally significant areas, as well as areas, sites, structures, or objects with historical, architectural, or cultural significance.
 - Develop this map prior to any update to the Future Land Use Map, the Zoning Map or to the specific regulations individual zoning districts to better inform this process.
- Objective 3.4.3: Ensure integration of land use and transportation.
 - Strategy 3.4.3.1: Carefully evaluate transportation impacts of greenfield development as part of the development review process.
 - Develop a formal transportation plan that evaluates these impacts. This could also guide an update of the City Future Land Use Map, where

potential annexations should occur, subdivision review and other developments.

- Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.
 - Develop a formal transportation plan that can inform these discussions.
- Objective 4.2.1: Identify, conserve, and protect the quality and health of water resources and ecosystems to meet local standards for public use and recreation.
 - Strategy 4.2.1.2: Monitor and discourage development as well as public uses in environmentally sensitive areas identified through the inventory and mapping process of Land Use Strategy 3.3.1.1 and 3.3.1.2.
 - Develop this mapping prior to any update to the Future Land Use Map, the Zoning Map or to the specific regulations individual zoning districts to better inform this process.
 - Strategy 4.2.1.5: Identify water-dependent wildlife habitat and develop strategies to protect them.
 - Develop an inventory prior to any update to the Future Land Use Map, the Zoning Map or to the specific regulations individual zoning districts to better inform this process.
- Objective 4.3.2: Protect the riparian corridors to preserve unique wildlife, promote water quality, and provide for public trails and open space.
 - Strategy 4.3.2.1: Continue to limit development in the floodplain through the application of the Livingston Floodplain Regulations.
 - Create floodplain zoning overlay district using the City floodplain maps.
 - Strategy 4.3.2.2: Protect the Yellowstone River's natural flow and flood cycles to promote the health of the riparian area and associated wildlife.
 - Create floodplain zoning overlay district using the City floodplain maps.
 - Strategy 4.3.2.3: Explore regulatory options for protecting the riparian area and waterway corridors.
 - Create floodplain zoning overlay district using the City floodplain maps.
 - Develop riparian/waterway mapping to inform specific regulations for individual zoning districts.
- Objective 4.3.3: Preserve the night skies as well as the natural scenic vistas.
- Strategy 4.3.3.1: Support the efforts of the Livingston Conservation Board in updating the City's Night Sky Protection Act.
 - Coordinate and connect with Zoning Code and Building Code.
- Strategy 4.3.3.2: Establish design guidelines that limit the impact of development on scenic vistas and viewsheds.

- Inventory and map these vistas/viewsheds.
 - Coordinate and connect with the Zoning Code and Building Code.
 - Develop specific standards.
 - Create an overlay zone to identify where vistas and viewsheds should be conserved.
- Objective 8.1.1: Ensure trail and sidewalk connectivity within and around the City.
 - Strategy 8.1.1.1: Adopt an ordinance requiring sidewalks on new developments within City limits.
 - Make this a part of the Zoning Code and Building Code, not a separate ordinance.
- Objective 8.1.4: Review & update the land use plan to reflect the ability of the transportation system to maintain an acceptable level of mobility.
 - Strategy 8.1.4.1: Update the Future Land Use Map based on future transportation improvements.
 - This should be tied to a formal transportation (streets) and the City's ability to extend water and sewer services.
- Objective 8.2.3: Require road and multi-use trail and/or sidewalk connections to existing and future developments.
 - Strategy 8.2.3.1: Ensure zoning ordinance and subdivision regulations require multi-use trail and/or sidewalk connections to existing and future development.
 - Develop a formal transportation plan (streets) that can inform these discussions.
 - Strategy 8.2.3.2: Require that right-of-way be dedicated to the City during the subdivision review approval process.
 - Develop a formal transportation plan (streets) that can inform these discussions.
- Land Use Recommendations- Zoning Ordinance Page 92-93
 - Article III-V
 - This list of needed work on the Zoning Ordinance does not necessarily match the guidance found in the Goals, Objectives and Strategies found in the Growth Policy.
- Planned Unit Development Overlay – Page 96
 - Regulatory language should not be included in the Growth Policy.
 - This should be removed from the Growth Policy and included in the Zoning Code and/or Subdivision Regulations if desired.
 - 76-1-605(2)(a) MCA is clear that a Growth Policy is not a regulatory document

- 76-1-605.MCA Use of adopted growth policy. (1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:
 - (2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.
- In order to implement the guidance in a Growth Policy a community must adopt and use:
 - Zoning Ordinances
 - Subdivision Regulations
 - Building Codes
 - Floodplain Regulations
 - Annexation Policies
 - Etc.

Zoning Code

- Update and clarify the administrative provisions in the City Zoning Code: permits, conditional use permits, variances, amendments of the Code and Zoning Map, violations, enforcement etc.
- Why is there a separate Neighborhood Commercial (NC) zone from the existing Mixed Use Zone? Typically such commercial development is addressed as Mixed Use (MU)
- Preservation Zoning District (PDZ) makes more sense as an overlay zone instead of a distinct zone?
- Need to include a process to amend the zoning code?
- Clarify the process for appeals. Typically appeals should go to a Board of Adjustment (BOA), not the Zoning Administrator (ZA). Is there a BOA or do all appeals go back to the ZA/City Commission?
- Is there a Preservation Zoning District Plan, as referenced on page 24 of the Zoning Code?
- Organize overall code by district, with Design Standards and Allowed Uses detailed for each section.
- Design Standards (page 25)- how do you regulate to a word such as “promote...” Eliminate vague terms and include definitions and detailed/specs for these standards instead of “match current slopes, etc....”
- Signage (page 28) it would be beneficial to reference this to other existing ordinances. Or provide more details of what is allowed and not allowed in each zone? Further define signage requirements via guidance in the Growth Policy.

- What is the process for enforcement/compliance of the zoning code?
- Define where “remote workers” fits within allowed uses, if at all.
- Sec 30.57 (page 49)- what does this mean “must fit density”? Much too vague, you should provide detailed specifications.
- Missing any references to floodplain development and regulations. Add a reference to the existing floodplain ordinance reference and include a floodplain overlay in the Code.
- Cross reference the Zoning Code to building codes or building permits? Reference other processes, regs, permits?
- Allowed Uses in the Zoning Code- dovetail with the future land use map within the Growth Policy?
- Check for compliance with 2023 legislative updates
 - Mobile home zoning/restrictions
 - Child care centers (allowed uses)
 - Allowed use tables
 - Parking requirements
 - ADU's (page 19, 22; Sec 30.43)
 - Tiny home allowed uses

APPENDIX B: RECENT CODE UPDATES NOT IN MUNICODE

ORDINANCE NO. 3043

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENT AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE.

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the subdivision of land and specifically allowing for the creation of planned unit developments.

WHEREAS, the City Commission of the City of Livingston, Montana seeks to allow planned unit developments as an alternate form of large lot subdivisions; and,

WHEREAS, the City Commission has adopted the A Growth Policy that recommends the adoption of such a policy; and,

WHEREAS, The City's Planning Board and Zoning Commission have previously held public hearings on the draft ordinance.

NOW THEREFORE, BE IT ORDAINED by the Livingston City Commission that Chapter 30, of the Livingston Municipal Code entitled Zoning is hereby amended as follows:

SECTION 1

(NEW) Sec. 30.47. Planned Unit Development.

- A. **Intent.** The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.
- B. **To achieve the stated intent, a PUD shall further the following objectives:**
1. Preserve natural and cultural resources
 2. Provide open space and recreational areas beyond the minimum subdivision requirements
 3. Promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets
 4. Promote mixed uses in residential zoning districts as a means to improve convenience and access to daily necessities by area residents
 5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
 6. Promote affordable/ workforce housing
 7. Support the adopted City of Livingston Growth Policy
- C. **PUD Minimum Size and Allowed Uses**
1. The proposed PUD must be a minimum of 1 acre in size and all land must be under a single ownership/ entity at time of application submittal.
 2. Residential Uses: PUDs are only allowed in areas where the base zoning district is primarily residential; those are: R-I, R-II, RII-MH, R-III and RMO.
 3. Commercial Uses: All PUDs must include a commercial component appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Commercial uses should be located, designed and operated to serve primarily the needs of residents within the PUD and secondarily persons residing outside the PUD. Commercial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Commercial Use.
 4. Industrial Uses: Light Industrial uses may be allowed in the PUD district, provided they are appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Light Industrial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Light Industrial Use. Heavy Industrial uses are not allowed in a PUD.
- D. **Developer Incentives and Public Benefits**
1. **Guidelines.** The table below outlines desirable Public Benefits the City wishes to encourage for inclusion in PUDs, and Bonuses that may be obtained by Developers for providing one or more of the listed Public Benefits.

DEVELOPER INCENTIVES	PUBLIC BENEFITS
1. Residential Density Bonus	A. 10% deed restricted Affordable/ Workforce housing (min. 2 units)
2. Height Increase	B. Deed restricted Low-Income Affordable housing units
3. Waived Impact Fees	C. 10% reduction in vehicular trips to be generated by the PUD
	D. Increase open space to 20% of PUD area

a. Developer Incentives

- i. Increased Residential Density- 10% increased density over allowable in base zoning district for each public benefit provided by developer; maximum 25% overall increase allowed
- ii. Increased Height- only allowed where R-II or R-II:MH are base zoning districts; up to 40 feet maximum height allowed
- iii. Waived Impact Fees- fees will be waived on 1:1 basis for each deed-restricted Low-Income Affordable housing unit at or below 60% AMI

b. Public Benefits- each of the below benefits counts as a single benefit; developers may provide any of the below benefits to obtain developer bonuses as detailed in Section D.1.c below.

- i. Affordable/ Workforce Housing- must be deed restricted dwelling units to qualify for developer incentives (minimum 2 affordable/ workforce units per project)
 - 1. Moderately Affordable/Workforce Housing is defined here as being at or below 100% Area Median Income (AMI).
 - 2. The AMI set annually for Park County by the U.S. Department of Housing and Urban Development will be used to determine housing affordability.
 - 3. Low-Income Affordable Housing is defined her as being at or below 60% AMI
 - 4. All Affordable/ Workforce units must be substantially similar in design, location and amenities as market rate units
- ii. Reduced vehicular trips- 10% reduction of vehicular trips generated by the PUD resulting from design, uses, multi-modal transportation facilities, etc.

- iii. Increased Open Space- 20% or more of total PUD area must be dedicated as open space; no more than half of total open space may be Type 1.a as classified in LMC Sec 28-VI-A-16.b

c. Formula for Incentives and Public Benefit Allocation:

- i. Residential Density Bonus – a Developer may provide one of the below public benefits to obtain a 10% residential density increase over what the base zoning district allows; maximum density increase allowed is 25% over the base zoning district
 - 1. Affordable (Moderate or Low-Income)/ Workforce Housing
 - 2. Reduced Vehicular Trips
 - 3. Increased Open Space
- ii. Height Increase- one-time only bonus; may be obtained by providing any of the below benefits
 - 1. Affordable (Moderate or Low-Income)/ Workforce Housing
 - 2. Reduced Vehicular Trips
 - 3. Increased Open Space
- iii. Waived Impact Fees- Awarded on a 1:1 basis for each deed-restricted Low-Income Affordable Housing unit at or below 60% AMI

NOTE: Low-Income Affordable Housing Units (those at or below 60% AMI) will also count toward the number of Moderately Affordable/ Workforce Housing units (those at or below 100% AMI) to achieve a Density Bonus

2. Limitations on Developer Incentives.

- a. The bonus for increased height is limited to a one-time award; height bonus is only allowed in RII or RII:MH zoning districts; maximum 40' total height allowed.
- b. Increased residential density bonus may be awarded more than one time; however, the maximum increased residential density bonus allowed is 25% total over the base zoning district's residential density.

3. Multi-Phased Development.

- a. For affordable/ workforce housing:
The maximum allowed price of a dwelling unit will be determined by the AMI levels at the time of phase commencement.

The phased subdivision commencement hearing shall be considered the date of commencement of the phase, if required

At least 5% of total affordable/ workforce housing units must be included in the first phase

- b. Developer bonus(es) must be implemented concurrently with the public benefit associated with that bonus (i.e. the public benefit provided to achieve the bonus).
- c. A financial guarantee, satisfactory to the City, may be provided for the future public benefit in lieu of concurrent development.

E. **Application Procedures**

1. A Pre-Application meeting is required with city staff at least 30 days prior to submittal of the PUD application.
2. Prior to submittal of the application, the applicant must notify landowners of the proposed PUD zoning within 300 feet of the PUD external boundary and provide a method by which surrounding landowners may offer comments on the proposal. All comments received must be included in the PUD application.
3. Application Submittal requirements- each application for PUD zoning shall contain the following material:
 - a. Completed City of Livingston PUD Application form; see application form for detailed submittal requirements. Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Livingston Subdivision Regulations.
 - b. All applicable fees.
 - c. A listing of each deviation or class of deviation from the base zoning district and a justification for the deviation.
 - d. A listing of each deviation or class of deviation from the City's Subdivision Regulations (if a subdivision is proposed), the City's Public Works Design Standards and Specifications, and a justification for the deviation.
 - e. Project Narrative or other convincing and persuasive demonstration that the proposed PUD will implement goals and strategies of the adopted Livingston Growth Policy.
 - f. The PUD plan shall identify the existing zoning of the area within the proposed PUD district and the zoning of all parcels surrounding or immediately adjacent to the proposed PUD.
 - g. Operation and Maintenance for private facilities for common use of PUD residents as well as for facilities that will be available for use by the general public (if applicable).
 - h. For multi-phase projects where components are proposed which may not be built for many years, future phases may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types and commercial areas. Where a multi-phased PUD involves a subdivision of

land, the applicant shall submit an overall phased development preliminary plat per MCA 76-3-617.

- i. Other information, plans and details that the city staff, Zoning Commission, Planning Board and/or City Commission may request to fully evaluate the development proposal and its impacts and conclusively demonstrate how the review criteria listed below will be met.

F. **Public Review Process**

1. **Work Session.** A public work session is required to be held on a proposed PUD plan prior to any public hearing. The work session is intended for informational purposes only to inform both the public, the Zoning Commission, the Planning Board, and the City Commission about the various aspects of the project. It is not intended to be a public hearing and the Zoning Commission, Planning Board and City Commissioners shall not ask questions, provide comments or take formal action on the PUD application. All owners of property within 300 feet of the proposed PUD shall be invited to this work session. An invitation to the work session may be included within the formal public hearing notice or it may be sent separately.
2. **Zoning Commission.** The Zoning Commission will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. The review procedure for PUD zoning will follow LMC Sec 30.71 for amendments to city zoning ordinance and zone change. Review of the proposed PUD will be based on the statutory provisions of MCA 76-2-304 and the following evaluation criteria:
 - a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed deviations from the underlying zoning requirements will not adversely affect the public and/ or the surrounding neighborhood.
 - c. Uses with varying intensities are effectively buffered, both within the PUD and between the PUD and the surrounds.
 - d. Action by the Zoning Commission.
 - i. The Zoning Commission shall hold a public hearing on the application pursuant to LMC Section 30.71.
 - ii. The Commission shall submit its recommendations to the City Commission regarding the PUD rezoning request based on the review criteria under 2.a-c in this section.
 - iii. The Zoning Commission may recommend the City Commission approve, approve with conditions, or deny the application.
3. **Planning Board.** The Planning Board will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. Where a PUD also involves a subdivision of land, it shall follow the process called out in the Livingston

Subdivision regulations (Chapter 28). Review of the proposed PUD will be based on the following evaluation criteria:

- a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed departures from the adopted the City of Livingston Public Works Design Standards and Specifications and/ or subdivision regulations (if applicable) will not adversely affect the public and/or surrounding neighborhood.
 - c. The PUD will establish effective connections within the PUD and to the surrounding transportation network.
 - d. The size and type of parkland and open space and demonstration of its adequacy for the land use, densities and dwelling types proposed in the PUD, as well as the proposal for maintenance and conservation of these areas.
 - e. The PUD will not adversely impact the natural environment, critical wildlife and habitat, agriculture, public health and safety, and local services.
 - f. Action by the Planning Board
 - i. The Planning Board shall hold a public hearing on the application and submit its recommendations to the City Commission regarding the PUD based on the review criteria under 3.a-e in this section.
 - ii. The Planning Board will review the PUD Plan and, after holding a public hearing, make a recommendation to the City Commission to approve, conditionally approve or deny the PUD.
 - iii. Where a PUD involves a subdivision of land, Subdivision review will be as directed by Chapter 28 of Livingston Municipal Code. Any deviations from the Subdivision Regulations or the City of Livingston Public Works Design Standards and Specifications will only be allowed through the variance process contained in Chapter 28 of the Livingston Municipal Code.
4. **Action by the City Commission.** Upon receiving recommendations from the Zoning Commission and Planning Board, the City Commission will review and approve, approve with conditions, or deny the PUD application and any applicable Preliminary Plat. The City Commission may conduct the first reading of the zoning ordinance amendment required for a PUD at the same meeting during which the preliminary PUD plan is approved.

G. Preparation and Filing of Final PUD.

1. Upon approval of the PUD by the City Commission, the property owner(s) shall proceed with the preparation of the Final PUD plan.
2. The owner shall prepare a Statement of Standards for review and approval by the Zoning Administrator that describes the specific uses, development standards, deviations from the underlying zoning standards and conditions of approval. This Statement of Standards shall be approved as to form by the City Attorney, and upon approval by the Zoning Administrator recorded in the land records of Park County.

- a. The Final PUD plan shall incorporate all the conditions imposed by the City Commission at the time of approval of the preliminary plan.
- b. The applicant shall submit three signed copies of a Final PUD Plan and other documents as required by the conditions of approval to the Planning Department. The applicant must also submit a draft PUD agreement between the City and the developer(s) for review by the City Attorney. The agreement must bind the developer, his or her successors, heirs and assigns to the terms and conditions of the PUD. Upon approval by the Zoning Administrator, a signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the County Clerk and Recorder's office and a signed copy shall be kept on file with the Planning Department.
- c. All PUD documents required under the conditions of approval shall be submitted to the Planning Department in a timely fashion following approval by the Commission but in no case shall a building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed. For PUDs where a subdivision is required, the final plat shall be filed once construction is completed in accordance with LMC Chapter 28 Subdivision Regulations.

H. **Amending an Approved PUD.**

1. Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Zoning Administrator to make one of the following findings:
 - a. The change(s) is deemed minor in scope and may be granted or denied administratively by staff with or without conditions; or
 - b. The change(s) is deemed substantial, in which case the amendment(s) is forwarded to the City Commission for consideration and final action.
2. Any determination made administratively by the Zoning Administrator is appealable to the City Commission.
3. The City shall not initiate any amendment to the PUD before the completion of the approved PUD as long as development is in substantial conformity with the approved PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.

I. **Abandonment or Expiration of PUD.**

1. The Zoning Administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan.
2. The following procedures are to be following when the PUD fails to comply with the completion schedule:
 - a. PUDs which do not involve or require a subdivision:
 - i. If a PUD project falls out of compliance with its approved completion schedule, or the landowner and/or developer does not submit annual progress updates to the Zoning Administrator, a notice of noncompliance with the completion schedule shall be delivered in writing by certified mail to the landowner and/or developer.

- ii. No later than 30 days after the notice of noncompliance is delivered, the landowner and/or developer may submit a written request for time extension from the City Commission. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The Commission may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the Commission which may be deemed necessary to address issues that have arisen due to the lapse in time.
 - iii. Abandonment shall be deemed by the City Commission to have occurred when the landowner/developer is deemed to be out of compliance with the approved completion schedule and has failed to secure an extension as provided for in 2.a.ii in this section.
 - iv. Upon the abandonment of a development authorized under this section, the City Commission shall direct the Zoning Administrator to do the following:
 - (a) If a portion of the PUD site was developed in accordance with the PUD, the PUD approval conditions and any associated PUD Plan shall stay in force for that portion already developed; and
 - (b) For that portion of the PUD which was not developed under the approved terms, the provisions of the PUD shall lapse and the site shall revert back to the base zoning district in place prior to approval of the PUD District.
- b. PUDs which include a subdivision of land:
- i. The process for abandonment or expiration cited in LMC Chapter 28 for Subdivision Regulations shall be followed.

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings provision:

This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after the second reading and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 1 day of August, 2023.



MELISSA NOOTZ – Chair

ATTEST:



EMILY HUTCHINSON
City Clerk

PASSED ADOPTED, AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the 5 day of September, 2023.




MELISSA NOOTZ – Chair

ATTEST:



EMILY HUTCHINSON
City Clerk

APPROVED AS TO FORM:



JON HESSE
City Attorney

ORDINANCE NO. 3046

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, the State of Montana has also adopted legislation that require multiple-unit dwellings to be an allowed use within commercial zoning districts; and

WHEREAS, the City's zoning code does not currently comply with these State mandated requirements in the Neighborhood Commercial Zoning District; and

WHEREAS, the City's zoning code must be made to comply with State law.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Section 30.40 of the Livingston Municipal Code be and the same are hereby amended with additions underlined and deletions struck through, as follows:

SECTION 1

Sec. 30.40. List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

Table 30.40

List of Uses

A = Allowed S = Special Exception Permit Required N = Not Allowed												
	R-I	R-II	RII-MH	R-III	RMO	NC ² <u>NC</u> ¹	MU	CBD ⁴ <u>CBD</u> ²	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	N A	A	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	N A	A	A	A	N	N	N
Multifamily Dwellings	N	A	A	A	N	N A	A	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	A	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	A	N	N	N
Tiny Homes	A	A	A	A	A	N	A	N	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N
Modular Homes	A	A	A	A	A	N	A	A	A	N	N	N
Churches	S	S	S	A	N	A	S	N	A	N	N	N
Schools, Public, Private and Parochial	A	A	A	A	A	A	S	N	S	N	N	A
Schools, Trade	N	N	N	N	N	S	S	A	A	A	A	N
Hospitals/ Institutions	N	N	N	A	N	S	S	N	S	A	N	S
Medical/ Dental Clinics	N	N	N	A	N	A	A	A	A	A	S	N
Adult Foster Care Center ³	N	A	A	A	N	N	A	A	A	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	A	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	N	A	A	A	N
Laundromat	N	N	N	N	A	A	A	A	A	A	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	A	N	N	N

Motels/Hotels	N	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	N	S	S	S	S	N
Personal Service Stores	N	N	N	N	N	A	A	A	A	A	S	N
Eating and Drinking Establishments (Sit-Down)	N	N	N	N	N	A	A	A	A	A	A	N
Drive-Thru Restaurants	N	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	N	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	S	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	N	N	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	N	N	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Artisan Manufacturing	N	N	A	A	N	A	A	A	A	A	A	N
Limited Manufacturing	N	N	N	N	N	S	A	A	A	A	N	N
General Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Intensive Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N

Cidery	N	N	N	N	N	A	A	A	A	A	N	N
Microbrewery/Microdistillery	N	N	N	N	N	A	A	A	A	A	N	N
Winery	N	N	N	N	N	A	A	A	A	A	N	N
Bowling Alley	N	N	N	N	N	S	S	S	A	S	N	S
Theater	N	N	N	S	N	S	S	S	A	A	N	S
Open-Air Stadiums, Sports Arenas and Amphitheaters	N	N	N	S	N	S	S	S	A	A	N	S
Lumberyards	N	N	N	N	N	N	N	N	A	A	A	N
Transportation Terminals	N	N	N	N	N	N	N	A	A	A	N	N
Radio Stations ⁴	N	N	N	N	N	A	A	A	A	A	A	A
Utility Substations	S	S	S	S	S	S	S	S	S	S	S	S
Armory	N	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	A	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	S	S	A	A	A	S	A
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	A	S	S
Marijuana Production Facility	N	N	N	N	N	N	N	N	N	A	A	N
Sexually Oriented Business	N	N	N	N	N	S	N	S	S	A	A	N

1. NC- Any number of residential units may be established within a building that also contains a commercial use. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."
2. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."
NC-A single residential unit may be established within a commercial building to allow living space for a business owner.
3. Adult Foster Care Center.
 - a. No more than four (4) residents;

- b. Staff member must be on board twenty-four (24) hours a day.
4. Radio Stations do not include radio towers or wireless communication facilities as defined by the Federal Communications Commission.
- * This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 2046, § 1(Exh. A), 9/17/13; Ord. No. 2090, § 1, 10/6/20; Ord. No. 2097, § 1, 1/5/21; Ord. No. 3003, § 1, 4/6/21; Ord. No. 3013, § 2, 8/17/21; Ord. No. 3017, § 1, 10/5/21; Ord. No. 3025, § 1, 10/21/21; Ord. No. 3023, § 1, 1/4/22)

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings Provision:

This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after second and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of February, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of March, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

ORDINANCE NO. 3049

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI).

* * * * *

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the officially adopted Zoning Map;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by adopting Resolution 5118 on November 7, 2023;

WHEREAS, being within the jurisdiction of the City, the parcel is required by the City's Zoning Ordinance to be given a zoning designation;

WHEREAS, the City of Livingston Zoning Commission, after a public hearing held on December 18, 2023, voted unanimously (4:0) to recommend approval of the zoning of the subject parcel to Light Industrial (LI) on the Zoning Map to the City Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Commission that Sec. 30.13 of the Livingston Municipal Code entitled Official Zoning Map, be and the same is hereby amended as follows:

SECTION 1

Zoning of property addressed at 5284 US Hwy 89 S and known as RY Timber, the legal description of which is described in Exhibit A (attached), as Light Industrial (LI)

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings provision:

This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after the second reading and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of February, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of March, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

EXHIBIT A**PARCEL I:**

Tract 1 of Recorders Plat No. 424, situated in the SE1/4SE1/4 of Section 23, Township 2 South, Range 9 East, M.P.M., Park County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

EXCEPTING THEREFROM, that parcel conveyed by Special Warranty Deed, recorded May 10, 1974 in Roll 8, Page 741; and

FURTHER EXCEPTING THEREFROM, Lots 1, 2, 3 and 4 of Centennial Subdivision, a Minor Subdivision, recorded as Subdivision Plat No. 104, containing in area approximately 4.3 Acres.

PARCEL II:

A parcel of land as shown and described on Recorders Plat No. 230 located in the SW1/4 of Section 24 and NW1/4 of Section 25, Township 2 South, Range 9 East, P.M.M., Park County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana, containing in area approximately 10.71 Acres.

PARCEL III:

Tract 1 of Certificate of Survey No. 6, located in the NE1/4 of Section 26, Township 2 South, Range 9 East, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Park County, Montana, containing in area approximately 10.269 Acres.

PARCEL IV:

A parcel of land as shown and described on Recorders Plat 186 located in the NW1/4 of Section 25, Township 2 South, Range 9 East, P.M.M., according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana, containing in area approximately 3.2 Acres.

PARCEL V:

The "South Tract" of ZC Island, as shown and described on Recorders Plat No. 650 located in the SW1/4 of Section 24, Township 2 South, Range 9 East, P.M.M., Park County, Montana, containing in area approximately 4.89 Acres.

PARCEL VI:

That Certain parcel of land situated in the NE ¼ NE ¼ of Section 26, Township 2 South, Range 9 East, M.P.M., Park County, Montana, as follows; That certain triangular parcel of the land being all of the NE ¼ NE ½ of said section laying north of the road leading to the Strong Place.
(Reference Deed recorded in Volume 81, page 527)

ORDINANCE NO. 3050

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, AS MIXED USE (MU).

* * * * *

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the officially adopted Zoning Map;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by adopting Resolution 5119 on November 7, 2023;

WHEREAS, being within the jurisdiction of the City, the parcel is required by the City's Zoning Ordinance to be given a zoning designation;

WHEREAS, the City of Livingston Zoning Commission, after a public hearing held on December 18, 2023, voted unanimously (4:0) to recommend approval of the zoning of the subject parcel to Mixed Use (MU) to the City Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Commission that Sec. 30.13 of the Livingston Municipal Code entitled Official Zoning Map, be and the same is hereby amended as follows:

SECTION 1

Zoning of property addressed at 1 View Vista Drive and known as the View Vista Community, and legally described as Parcel 1 in Section 13, Township Two South (T02S), Range Nine East (R09E), Certificate of Survey 984, as Light Industrial (LI).

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings provision:

This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after the second reading and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of February, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of March, 2024.

KARRIE KAHLE, CHAIR

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney